

### REMARKS

This is in full and timely response to the Office Action mailed on February 8, 2006. Reexamination in light of the following remarks is respectfully requested.

Claims 1-16 are currently pending in this application, with claims 1, 4 and 10 being independent. Item 4a on page 1 of the Office Action indicates that the Examiner has withdrawn claims 4-16 from consideration.

*No new matter has been added.*

### Rejection under 35 U.S.C. §103

Paragraph 5 of the Office Action includes a rejection of claims 1-3 under 35 U.S.C. §102 as allegedly being anticipated by, or in the alternative, under U.S.C. §103 as allegedly being obvious over Japanese Application Publication No. 63-051130 to Nagabuchi.

At least for the following reasons, if the allowance of the claims is not forthcoming at the very least and a new ground of rejection made, then a *new non-final Office Action* is respectfully requested.

This rejection is traversed at least for the following reasons.

Claim 1 is drawn to a pneumatic tire for passenger cars having a tread and left and right beads, the beads each having a bead core embedded therein with a bead filler disposed on the outer circumferential side of the bead core, at least one carcass ply being arranged to extend between the beads, the carcass ply having reinforcing cords which extend in a width direction of the tire and are aligned at a predetermined interval along a circumferential direction of the tire, and two belt plies being disposed on the outer circumferential side of the carcass ply in the tread, *wherein an average of residual strain of the reinforcing cords of an innermost carcass ply is set to -10% to 5% in each of side regions located between an outer circumferential end of the bead filler and an end of an overlapping portion of the two belt plies.*

Paragraph [0017] of the specification as originally filed provides that:

The two carcass plies 6A and 6B described above has an average of residual strain of the reinforcing cords f which is set in a range *from -10% to 5%* in each side region X located between the outer circumferential end 4a of the bead filler 4 and the overlapping portion end m of the two belt plies 7A and 7B (an edge position of the second belt ply 7B). In an overlapping region Y corresponding to the overlapping portion of the two belt plies 7A and 7B, an average of residual strain of the reinforcing cords f is set in a range from -5% to 1%.

The Office Action admits that Nagabuchi fails to define expressly the residual strain of the cords in the innermost carcass ply (Office Action at page 3).

However, without providing any objective evidence, the Office Action contends it would appear that the method of Nagabuchi would necessarily result in a carcass cord having the claimed residual strain (Office Action at page 3).

In response to this contention, inherent anticipation requires that the missing descriptive material is “necessarily present,” not merely probably or possibly present, in the prior art. *Trintec Indus., Inc. v. Top-U.S.A. Corp.*, 295 F.3d 1292, 1295, 63 USPQ2d 1597, 1599 (Fed. Cir. 2002). However, the Office Action has failed to show that *an average of residual strain of the reinforcing cords of an innermost carcass ply is set to -10% to 5% in each of side regions located between an outer circumferential end of the bead filler and an end of an overlapping portion of the two belt plies* is “necessarily present” in Nagabuchi.

Furthermore, this unsupported contention found within the Office Action that the method of Nagabuchi would necessarily result in a carcass cord having the claimed residual strain amounts to nothing more than a personal conclusion that is unsupported by any objective evidence. Broad conclusory statements, standing alone, are not evidence. *In re Dembiczak*, 50 USPQ2d 1614, 1617 (Fed. Cir. 1999). Instead, when the U.S. Patent and Trademark Office (USPTO) asserts that there is an explicit or implicit teaching or suggestion in the prior art, the USPTO must produce supporting references. *In re Dillon*, at 1348 (Fed. Cir. 1989).

However, the Office Action has failed to provide any evidence in support of the theory that Nagabuchi teaches all claimed features.

Thus, the Office Action fails to show that Nagabuchi anticipates the claimed invention or render it obvious.

Withdrawal of these rejections and allowance of the claims is respectfully requested.

**Conclusion**

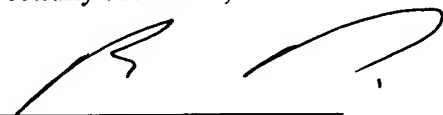
For the foregoing reasons, all the claims now pending in the present application are allowable, and the present application is in condition for allowance. Accordingly, favorable reexamination and reconsideration of the application in light of the amendments and remarks is courteously solicited.

If the Examiner has any comments or suggestions that could place this application in even better form, the Examiner is requested to telephone Brian K. Dutton, Reg. No. 47,255, at 202-955-8753 or the undersigned attorney at the below-listed number.

If any fee is required or any overpayment made, the Commissioner is hereby authorized to charge the fee or credit the overpayment to Deposit Account # 18-0013.

Dated: May 3, 2006

Respectfully submitted,

By 

David T. Nikaido

Registration No.: 22,663

Brian K. Dutton

Registration No.: 47,255

RADER, FISHMAN & GRAUER PLLC

1233 20th Street, N.W.

Suite 501

Washington, DC 20036

(202) 955-3750

Attorneys for Applicant